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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,644	12/29/2000	Pankaj Kedia	P10226	1491

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EXAMINER

CHEN, TSE W

ART UNIT PAPER NUMBER

2116

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,644

Applicant(s)

KEDIA ET AL.

Examiner

Tse Chen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 21, 2005 has been entered.

Claim Objections

2. Claim 39 is objected to because of the following informalities: "the the computer" should be "the computer system". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 34, 45, 47 and 51-56 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- As per claim 34, Applicant did not disclose the subject matter of "the wireless headset comprises a cellular telephone communicating with the low power subsystem through the wireless interface".
- As per claim 45, Applicant did not disclose the subject matter of "presenting the data accessed from the computer system through the wireless interface as verbal instructions".

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- As per claim 47, Applicant did not disclose the subject matter of “the wireless headset comprises a cellular phone”.
- As per claims 51-56, Applicant did not disclose the subject matter of “the processor providing access to a computer system when the computer system [is] in a low power mode in response to verbal instructions from the speech recognition unit”.

Therefore, said subject matters are considered new and are not eligible for prosecution in this application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29, 33, 36-38, 43-44, 46, 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ditzik, US Patent 5983073, in view of Kim, US Patent 6044473 and White, US Patent 6594632.

6. In re claim 29, Ditzik discloses a method comprising:

- Transitioning a CPU [38] of a computer system [100] into a power mode [80], the computer system having a computer system memory [40] [col.9, 1.55 – col. 10, 1.10; col.13, ll.1-30; wireless data communication mode 80 operates with closed configuration].

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- Activating a low power subsystem [14] that is independent of the CPU when the CPU transitions into the power mode [80 associated with closed configuration] [col.8, ll.4-58; col.9, l.55 – col. 10, l.10; col.13, ll.1-30].
 - Receiving verbal instructions from a user through a wireless set [14c], the wireless set being coupled to the low power subsystem though a wireless interface [inherently, a wireless interface in the broadest interpretation is needed to transform the verbal to cdma signals for communication] of the low power subsystem [col.8, ll.4-58; col.9, l.55 – col. 10, l.10; col.11, ll.37-46; col.13, ll.1-30].
 - Independent of the CPU, interpreting the verbal instructions from the user at a unit of the low power subsystem [inherently, a unit is needed to interpret the verbal to cdma signals for communication] [col.8, ll.4-58; col.9, l.55 – col. 10, l.10; col.11, ll.37-46].
 - Independent of the CPU and in response to instructions [commands], accessing data contained within the computer system memory [bi-directional communication] using a processor [inherently, some processor in the broadest interpretation is needed in order to process data communication] of the low power subsystem [col.8, ll.4-58; col.9, l.55 – col. 10, l.10; col.13, ll.1-30; user interacts with 14 independent of 38 to access data].
7. Ditzik did not disclose explicitly that the power mode associated with closed configuration is a low-power mode and did not discuss details of the verbal instructions.
8. Kim discloses transitioning a CPU of a computer system [portable notebook computer] into a low-power mode [sleep mode associated with CPU in closed configuration] [col.1, ll.23-41].

9. It would have been obvious to one of ordinary skill in the art, having the teachings of Ditzik and Kim before him at the time the invention was made, to modify the computer system taught by Ditzik to include the very well known low-power mode taught by Kim, in order to obtain the claimed apparatus. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to reduce power consumption [Kim: col.1, ll.23-41; col.2, l.66 – col.3, l.3; computer system transitions CPU to sleep mode to reduce power consumption when in closed configuration since computer system functions are not being used].

10. White discloses a method comprising:

- Receiving verbal instructions from a user through a wireless headset [operator headset] [fig.2].
- Interpreting the verbal instructions from the user at a speech recognition unit [voice recognition system] [col.2, ll.12-16].
- In response to the verbal instructions, accessing data [plu inquiry] contained within a computer system memory [pos system] [col.2, ll.12-16].

11. It would have been obvious to one of ordinary skill in the art, having the teachings of Ditzik and White before him at the time the invention was made, to modify the low power subsystem taught by Ditzik to include the wireless headset with speech recognition capability teachings of White, in order to obtain the claimed method. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to perform hands-free operation such as information query using human speech or other means [White: col.1, l.5 – col.2, l.67].

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12. As to claim 33, Ditzik discloses, comprising accessing data from a network [external wide area communications network] via the external interface of the low-power subsystem [14] [col.5, ll.52-59].

13. As to claim 36, Ditzik discloses, comprising presenting the data accessed to a user via a display [fig.3c] of the low power subsystem [col.13, ll.24-30; display graphics].

14. As to claim 37, White discloses, comprising presenting the data accessed to a user via an audio output [speaker] of the wireless headset [col.4, ll.13-26].

15. In re claim 38, Ditzik, Kim, and White disclose each and every limitation as discussed above in reference to claim 29. Ditzik, Kim, and White disclose the method of operating the apparatus comprising a computer system and a low power subsystem; therefore, Ditzik, Kim, and White disclose the apparatus.

16. As to claim 43, Ditzik discloses, wherein wireless interface [e.g., cdma] of the low power subsystem connects with a local area network [col.5, ll.52-59; col.8, ll.4-58].

17. As to claim 44, Ditzik discloses, wherein the low power subsystem comprises a video display [fig.3c] to display data accessed from the computer system [col.13, ll.24-30; display graphics].

18. As to claim 46, White discloses, comprising presenting the data [plu] accessed from the computer system [pos] through an audio headset [operator headset] as audio data transmitted from a wireless interface [operating on wireless transceiver] [col.4, ll.13-26].

19. As to claim 48, Ditzik discloses, wherein the computer system comprises a main screen [4] and the low power subsystem comprises a miniature display screen [fig.3c] and wherein the miniature display screen is activated when the main screen is closed [col.8, ll.4-58; col.9, l.55 – col. 10, l.10; col.13, ll.1-30].

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20. As to claim 49, Ditzik discloses, wherein the computer system comprises stored multimedia data [e.g., graphics], wherein the low power subsystem accesses the stored multimedia data and wherein the low power subsystem presents the multimedia data to a user through the wireless interface [col.13, ll.24-30; data is presented through the use of cdma].

21. As to claim 50, Ditzik discloses, wherein the low power subsystem presents the multimedia data to the user over a miniature display screen [fig.3c] of the low power subsystem [col.13, ll.24-30; e.g., display graphics on screen].

22. Claims 30-32, 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ditzik, Kim, and White as applied to claims 29, 38 above, and further in view of Kabelshkov, US Patent 6108663.

23. Ditzik, Kim, and White taught each and every limitation as discussed above in reference to claims 29, 38. Ditzik, Kim, and White did not discuss the details of accessing data.

24. In re claim 30, Kabelshkov discloses a method wherein accessing data comprises accessing data through a shared database [relational database of 31], the method further comprising storing at least a partial copy of data accessed from a computer system [10] memory [34] in the shared database [col.4, ll.36-61].

25. In re claim 39, Kabelshkov discloses a low-power subsystem [30] accesses the computer system [10] through a shared database [relational database of 31] [col.4, ll.36-61].

26. It would have been obvious to one of ordinary skill in the art, having the teachings of Ditzik, Kim, White and Kabelshkov before him at the time the invention was made, to incorporate the teachings of Kabelshkov as the shared database taught by Kabelshkov is well known to be suitable for use in the system of Ditzik, Kim, and White. One of ordinary skill in the

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art would have been motivated to make such a combination as it provides an efficient way to access data [Kabelshkov: col.4, ll.50-56].

27. As to claim 31, Kabelshkov discloses, wherein the computer system memory comprises a disk drive unit [34] [col.4, ll.36-61].

28. As to claims 32 and 42, Ditzik discloses, wherein the data contained in the shared database includes multimedia data [col.1, ll.8-17].

29. As to claim 40, Ditzik discloses, wherein the computer system [fig.7] comprises:

- A CPU [38].
- A memory device [40] couple to the CPU.
- A disk drive unit [42] couple to the CPU.

30. As to claim 41, Kabelshkov discloses wherein the shared database is coupled to the disk drive unit [fig.2], the shared database to store at least a partial copy of data stored on the disk drive unit [col.4, ll.36-61].

31. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ditzik, Kim, and White as applied to claims 33 above, and further in view of Chen et al., U.S. Patent 5590197, hereinafter Chen.

32. Ditzik, Kim, and White disclose every limitation as discussed above in reference to claim

33. Ditzik, Kim, and White did not disclose explicitly the network being an electronic store.

33. Chen discloses a network [fig.1] as an electronic store [merchant processor] allowing an electronic purchase [col.4, ll.46-50].

34. It would have been obvious to one of ordinary skill in the art, having the teachings of Chen, Ditzik, Kim, and White before him at the time the invention was made, to modify the

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system as taught by Ditzik, Kim, and White to include the network as taught by Chen, in order to obtain an electronic store allowing an electronic purchase. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to extend the computer system's capabilities [Ditzik: col.2, l.33 -- col.3, l.22].

Response to Arguments

35. Applicant's arguments filed on September 21, 2005 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tse Chen whose telephone number is (571) 272-3672. The examiner can normally be reached on Monday - Friday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tse Chen
December 8, 2005


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